IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 15TH NOVEMBER 2006 / 24TH KARTHIKA 1928

WP(C).No. 24542 of 2006(V)

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PETITIONERS:

1.A.K.VARKEY,
EDAPARAMBIL HOUSE, PUTHUPADY P.O.,
MUVATTUPUZHA.

2.C.V.JOSE,
CHETTIYAMKUDY, MATHIRAPPILLY,
KOTHAMANGALAM.

3.V.M.SAINUDHEEN,
PATTAMTHANATHU, KOTHAMANGALAM.

4.M.K.VARGHESEKUTTY,
MOOSAPPILLY, KOTTAPPADY, KOTHAMANGALAM.

5.DENNY P.J.,
PARATHIKKATTU HOUSE, KUTHUKUZHI P.O.,
KOTHAMANGALAM.

6.P.A.BIJU,
PULIKKAKUDY, KUTHUKUZHI P.O.,
KOTHAMANGALAM.

BY ADV. SRI.JOMY GEORGE

RESPONDENTS:

1. KOTHAMANGALAM MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MUNICIPAL COUNCIL, KOTHAMANGALAM.

2. THE CHAIRMAN,
KOTHAMANGALAM MUNICIPALITY, KOTHAMANGALAM.

BY ADV. SRI.V.M.KURIAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**PIUS C. KURIAKOSE,J.**

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W.P.(C)No.22077 of 2006

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Dated: 16th November, 2006

**ORDER**

A detailed counter affidavit has been filed by the first respondent and Exts. R1(A) and R1(AA) photographs showing pictures of the road as on 24.8.2006 have been produced. Apart from other documents including Ext.R1(B) resolution of the Panchayat deciding to seek an explanation from the writ petitioner as regards the unsatisfactory nature of the work executed, Ext.R1(C) letter issued by the Assistant Engineer to the Secretary of the Panchayat is another document relied on by the 1st respondent.

2. I have heard the submissions of Mr.Peeyus A.Kottam, learned counsel for the petitioner and Mr.A.C.Devy, learned counsel for the 1st respondent-Panchayat on the issue of granting the interim relief sought for.

3. Having regard to the submissions addressed before me and the documents placed on record, I have no doubt in my mind that there is no justification for the 1st respondent-Panchayat to refuse to disburse even a portion of the bill amount. Under these circumstances, there will be an interim order directing the 1st respondent-Panchayat to release to the petitioner a sum of Rs.Three lakhs within ten days of the

petitioner producing a copy of this order.

Post the Writ Petition for further orders after two weeks.

Handover the order.

srd **PIUS C.KURIAKOSE, JUDGE**